IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.135 OF 2005
IN
SUMMARY SUIT NO.3917 OF 2000

M/s.Shree Krishna Paper Mills Inds.Ltd. ....Plaintiff
V/s.
M/s.V.V. Enterprises ....Defendant

Mr.Girish Manjeshwar for the Plaintiff.
Mr.A.R. Bamne for the Defendant.

CORAM : S.J. VAZIFDAR, J.
DATED : 14TH NOVEMBER, 2005.

P.C. :

1. I must mention that I rejected the Plaintiff's application for filing an affidavit in rejoinder considering the view I have taken in the matter and permitted him to proceed on the basis of denials.

2. The suit is filed to recover the balance price of the goods sold and delivered by the Plaintiff to the Defendants on the terms and conditions contained in and/or evidenced by the invoice. Admittedly the goods were received by the Defendant. Admittedly part payments were made leaving the balance of Rs.60,000/- claimed in this suit.

3. By a reply dated 30th May, 2000, the Defendant's advocate admitted that the amount is due and payable. Mr.Bamne, the leaned counsel appearing on behalf of the Defendant however, submits that he is not aware whether such a letter was written by the Defendant. Even if such a letter is written, the receipt of the goods and the part payment is admitted.

4. In the circumstances, there is no defence to the suit. There is no provision for payment of interest in the invoice. The interest was demanded for the first time by the Plaintiff's advocate letter dated 24.4.2000.

5. In the circumstances, the Summons for Judgment is made absolute and the suit is decreed in the sum of Rs.60,000/- together with interest thereon at the rate of 12% p.a. from 24.4.2000 till payment and/or realisation and costs.

. Refund as per rules.